

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TAGASHIRA=2

In re Application of:)	Conf. No.: 4287
)	
Motoyuki TAGASHIRA)	Art Unit: 4131
)	
I.A. Filing Date: 12/12/2003)	Examiner: Savitha M. Rao
371(c) Date: June 10, 2005)	
)	Washington, D.C.
U.S. Appln. No.: 10/538,790)	
)	
For: PROCESS FOR PRODUCING)	May 9, 2008
HOP BRAC T POLYPHENOL)	

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop: Amendment
Randolph Building, 401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action
mailed April 11, 2008, in the nature of a restriction
requirement purportedly based on lack of unity of invention.
Applicants reply below.

First, however, applicants request the PTO to
acknowledge receipt of applicants papers filed under Section
119.

Restriction has been required among what the PTO
deems as being four (4) separate and presumably patentably

distinct inventions. As applicants must make an election even though the requirement is traversed, applicants hereby respectfully and provisionally elect Group I, presently only claim 1, directed to a process of producing hop bract polyphenol by extracting the hop bract with an aqueous alcohol solution, concentrating the extract to a residual alcohol concentration of no greater than 2% by volume, and purifying the concentrate, with traverse and without prejudice.

All of claims 2-5 (Groups II-IV) depend directly or indirectly from claim 1, and thus incorporate the subject matter of claim 1. Accordingly, the corresponding special technical features are those which exist in claim 1, and thus exist in all five claims, and therefore unity of invention exists under PCT Rules 13.1 and 13.2.

The Motoyuki reference relied upon to allegedly destroy unity of invention is not seen to disclose the method of claim 1, and consequently also does not disclose the hop bract polyphenol produced by the method of claim 1 as called for in claim 2, a cosmetic containing such hop bract polyphenol as called for in claim 3, or pharmaceutical containing such hop bract polyphenol as called for in claims 4 and 5. Accordingly, the requirement should be withdrawn and such is respectfully requested.

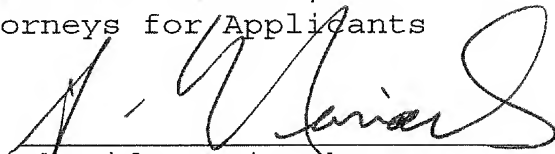
Appln. No. 10/538,790
Reply dated May 9, 2008
Reply to Office Action of April 11, 2008

Applicants now respectfully await the results of a
first examination on the merits.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By

A handwritten signature in black ink, appearing to read 'S. Neimark', is written over a horizontal line.

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